

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

ALLEN B. GOTTLIEB, ET AL.,

Defendant.

98 CV 2636 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of Mr. Allen Gottlieb's request for the return of his passport (dkt. no. 459) and the SEC's responses to that request (dkt. nos. 461 & 463). Balancing the concerns of the parties and keeping in mind that the purpose of civil contempt is limited to compelling compliance, the Court orders Mr. Gottlieb to fax to the Court and to the SEC a notarized affidavit declaring under penalty of perjury that he will use his passport solely for the purpose of travelling between the United States and the Bahamas (and no other country) to meet with potential witnesses, attend proceedings, and otherwise develop his defense and defend against the SEC action identified by Mr. Gottlieb in his request for the return of his passport (the "SEC Bahamas Action"), and that he will incur only the reasonable expenses necessary to do so. Mr. Gottlieb is also ordered to supplement the monthly statement showing his household income and expenses that he is required to provide

with detailed, line-item identification of all travel related expenses incurred in the preceding month and all expenses he incurs while in the Bahamas.

Once Mr. Gottlieb files the affidavit and the Court determines that it is adequate, the Court will order the Clerk of the Court to return Mr. Gottlieb's United States passport and will lift the asset freeze solely to the extent necessary to allow Mr. Gottlieb to defend the SEC Bahamas Action. Should Mr. Gottlieb fail to use his passport solely for the purposes identified herein or to provide a sufficiently detailed, complete, and accurate accounting of his travel expenses and the expenses he incurs in the Bahamas, he will be ordered to surrender his passport once more and may be subject to additional sanctions, including criminal contempt.

**SO ORDERED.**

Dated: New York, New York  
June 10, 2023

  
LORETTA A. PRESKA  
Senior United States District Judge